



PATENT

Attorney Docket No. A-72167-1 (28744/US/2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Burke et al.

Serial No.: 10/656,657

Filing Date: September 4, 2003

For: *Oxidized Collagen Formulations for
Use with Non-Compatible
Pharmaceutical Agents*

Examiner: Young, MP

Art Unit: 1615

"EXPRESS MAIL" LABEL NO.
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Date of Deposit: May 26, 2005

TERMINAL DISCLAIMER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned is an attorney of record in the above-identified application.

Intarcia Therapeutics, Inc., a corporation of the State of Delaware, having a place of business at 2000 Powell Street, Suite 1640, Emeryville, California 94608, is the owner of the entire right, title, and interest in:

1. The instant application, U.S. Serial No. 10/656,657, filed September 4, 2003, a continuation of U.S. Serial No. 09/858,247, filed May 15, 2001, now U.S. Patent No. 6,673,370; and

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2. U.S. Serial No. 09/858,247, filed May 15, 2001, now U.S. Patent No. 6,673,370.

Evidence of ownership of these applications is provided in three Assignments recorded in the United States Patent and Trademark Office for U.S. Serial No. 09/858,247, May 15, 2001, now U.S. Patent No. 6,673,370. The first Assignment is recorded at Reel No. 011816, Frame No. 0615. The second Assignment is recorded at Reel No. 014471, Frame No. 0743. The third Assignment is recorded at Reel No. 014460, Frame No. 0352. The assignee of record is BioMedicines, Inc. The name of BioMedicines, Inc. has been changed to **Intarcia Therapeutics, Inc.**

Intarcia Therapeutics, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer of U.S. Serial No. 09/858,247, now U.S. Patent No. 6,673,370.

Intarcia Therapeutics, Inc. hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, **Intarcia Therapeutics, Inc.** does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Serial No. 09/858,247, now U.S. Patent No. 6,673,370, as shortened by any terminal disclaimer, in the event that the patent later expires for failure to pay a maintenance fee,

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is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

The statutory disclaimer fee required under 37 C.F.R. § 1.20(d), accompanies this filing. The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-2319 (Our File No. 470298-142; Our Docket No.: A-72167-1).

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Dated: May 25, 2005

By:

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